

**Appl. No.** : 08/870,836  
**Filed** : June 6, 1997

performed at the state between states 506 and 509. States 510 and 511 are performed by Zhang for one difference metric and one threshold.

In contrast, in certain aspects of Applicant's claimed invention, a first difference measure and a second difference measure are both determined individually between the previous keyframe and each successive frame. In one embodiment, the second difference measure is orthogonal to the first difference measure. Each of the results is compared to a corresponding first threshold and second threshold. If both thresholds are exceeded, the current frame is identified as a keyframe. In one embodiment of Applicant's invention, the second difference measure is a structure difference measure that is based, at least in part, on edges identified in each of the frames. Some of the claims include the limitation: "determining a structure difference measure between the reference frame and the current frame based, at least in part, on edges identified in each of the frames". Structural difference measurements are described at pages 13-21 of the specification.

Since Zhang does not describe use of a structural difference measure including those based on identified edges or any equivalent metric, Applicant submits that Zhang is overcome as a reference for Claims 1, 8 and 18. Since Claims 2-7, 9-17 and 19-22 are dependent on independent Claims 1, 8 and 18, respectively, pursuant to 35 U.S.C. § 112, ¶4, they incorporate by reference all the limitations of the claim to which they refer. Therefore, the rejection of the dependent Claims 2-7, 9-17 and 19-22 has also been overcome. Therefore, in view of the above, it is submitted that Claims 1-22 are clearly distinguished from the cited art and are patentable.

#### New Claim

New independent Claim 23 has been added by Applicant to further define the invention. Claim 23 is supported by Figure 5 and the corresponding text in the specification. In these aspects of Applicant's claimed invention, the differences between consecutive frames are not accumulated, as performed by Zhang, and/or the accumulated differences are not compared to a threshold, as also performed by Zhang. Claim 23 is, therefore, also deemed patentable.

#### Conclusion

By this amendment, Applicant has amended the claims. In view of the discussion during the personal interview and the foregoing amendments and remarks, Applicant respectfully submits

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that Claims 1-23 of the above-identified application are in condition for allowance. However, if the Examiner finds any further impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Respectfully submitted,

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Dated: 2/14/00

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